### UNITED STATES DISTRICT COURT

for the

Southern District of New York

In the Matter of the Search (Briefly describe the property to be so or identify the person by name and a		)	24 N Case No.	IAG 2929	
APPLICATION FOR A WARRA	ANT BY TELEI	PHONE OR O	THER REL	IABLE ELECTRONIC	MEANS
I, a federal law enforcement of penalty of perjury that I have reason to property to be searched and give its location):	fficer or an attorn believe that on	ney for the gove the following pe	rnment, requerson or pro	nest a search warrant and sperty (identify the person or de	state under scribe the
located in the Southern  person or describe the property to be seized):  Please see Attached Affidavit and its	District of	New York	k	, there is now concealed	(identify the
The basis for the search under  ✓ evidence of a crime;  ☐ contraband, fruits of components designed for  ☐ a person to be arrested	rime, or other ite	ems illegally pos use, or used in	ssessed; committing	a crime;	
The search is related to a viola	tion of:				
Code Section 18 U.S.C. §§ 371, 666, 1343, 1349 52 U.S.C. § 30121		unds and consp to commit wire	fraud, and c	al federal funds,wire fraud ampaign contributions by	
The application is based on the Please see Attached Affidavit	ese facts:				
Continued on the attached Delayed notice of	days (give exact en			02/20/2025 ) is reques	ted under
		/s	(Ву	Court with Authorization)	
				Applicant's signature	
				Printed name and title	
Attested to by the applicant in accorda	nce with the requ	irements of Fed	d. R. Crim. l	P. 4.1 by	

City and state: New York, NY Hon. Sarah L. Cave, USMJ, SDNY

Printed name and title

Print Save As... Attach

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## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

In the Matter of a Warrant for All
Content and Other Information
Associated with the iCloud Account
Associated With
aol.com, USAO
Reference No. 2021R00778

### 24 MAG 2929

TO BE FILED UNDER SEAL

AGENT AFFIDAVIT

#### Agent Affidavit in Support of Application for a Search Warrant for Stored Electronic Communications

STATE OF NEW YORK	)	
	)	SS
COUNTY OF NEW YORK	)	

Special Agent, Federal Bureau of Investigation, being duly sworn, deposes and states:

#### **I.Introduction**

#### A. Affiant

1. I have been a Special Agent with the Federal Bureau of Investigation ("FBI") since 2019. I am currently assigned to a public corruption squad of the New York Field Office, where, among other things, I investigate crimes involving illegal campaign contributions, theft of federal funds, and bribery. Through my training and experience, I also have become familiar with some of the ways in which individuals use smart phones and electronic communications, including social media, email, and electronic messages, in furtherance of their crimes, and have participated in the execution of search warrants involving electronic evidence.

#### B. The Subject Data

2. The Subject Data was previously provided to the FBI by Apple pursuant to a warrant and order issued on February 20, 2024, by the Honorable Sarah L. Cave, United States Magistrate

Judge for the Southern District of New York (the "First iCloud Warrant"). *See* 24 Mag. 737.

3. The Subject Data is presently located in the Southern District of New York, where it is maintained by the FBI in materially identical condition to that in which it was received.

#### C. The Subject Offenses

4. As detailed below, there is probable cause to believe that the Subject Account contains evidence, fruits, and instrumentalities of violations of (i) 18 U.S.C. §§ 371 and 666 (theft of federal funds and conspiracy to steal federal funds), (ii) 18 U.S.C. §§ 1343 and 1349 (wire fraud and attempt and conspiracy to commit wire fraud), and (iii) 18 U.S.C. § 371 and 52 U.S.C. § 30121 (campaign contributions by foreign nationals and conspiracy to commit the same) (collectively, the "Subject Offenses"). This affidavit is based upon my personal knowledge, my review of documents and other evidence, and my conversations with other law enforcement officers, as well as my training and experience concerning the use of email in criminal activity. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts I have learned during my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

#### **II.Probable Cause**

5. Since in or about August 2021, the FBI and the Office of the United States Attorney for the Southern District of New York have been investigating the receipt of so-called "straw" donations by the 2021 and 2025 New York City mayoral campaigns of Eric Adams (the "2021 Adams Campaign," the "2025 Adams Campaign," and, collectively, the "Adams Campaigns"), including certain straw donations that were funded by and/or made at the direction of foreign

- 6. As part of this investigation, law enforcement has obtained various warrants for electronic evidence, including but not limited to the following:
- a. On November 1, 2023, the Honorable James B. Clark III, United States Magistrate Judge for the District of New Jersey, issued a warrant authorizing a search of the home of for evidence of the Subject Offenses, including any electronic devices used by The warrant and supporting affidavit are attached hereto as Exhibit A and incorporated by reference herein.
- b. On February 20, 2024, the Honorable Sarah L. Cave, United States Magistrate Judge for the Southern District of New York, issued the First iCloud Warrant. That warrant permitted seizure of content created, sent, received, accessed, modified, or deleted on or after January 1, 2018. This application seeks a warrant permitting seizure of content created, sent, received, accessed, modified, or deleted on or after July 1, 2015.
- 7. As detailed more fully in the attached affidavit, this investigation has revealed, in substance and in part, the following:
- a. On or about May 7, 2021, employees of a construction company that operates in New York City, made donations to the 2021 Adams

<sup>&</sup>lt;sup>1</sup> A straw, or "conduit," donation occurs when a donation to a political campaign is made in the name of one donor, but the funds in question in fact belong to a different person.

Campaign in approximately the same amount as monies paid to each of the employees by on April 28, 2021.<sup>2, 3</sup> (See, e.g., Ex. A ¶¶ 9-11).

- b. Many of employees are of Turkish origin. (See, e.g., Ex A ¶ 6).
- c. The Adams Campaigns cultivated a relationship with Turkey's New York Consul General, as well as the broader Turkish community, beginning at least in 2018. (See, e.g., Ex. A ¶¶ 16, 19).
- d. Turkey's Consul General in New York was involved in fundraising for the Adams Campaigns, including arranging the fundraiser where the straw donations were made, and communicated about fundraising with members of Adams's staff.<sup>5</sup> (See, e.g., Ex A. ¶ 12(a), 12(b), 13, 16).

<sup>&</sup>lt;sup>2</sup> Out of eleven donations from employees made at the fundraiser, the co-owner of organized the fundraiser (Erden Arkan) did not receive a reimbursement check, one donor received \$50 more from than the donor donated to the 2021 Adams Campaign, and one employee's wife donated, while the employee himself received the reimbursement check.

<sup>&</sup>lt;sup>3</sup> On or about November 2, 2023, the FBI interviewed Arkan, who acknowledged that payments to certain employees shortly before the May 7, 2021, fundraiser, and that those employees then donated the same or materially similar amounts to the 2021 Adams Campaign on May 7, 2021, but denied that there was a connection between those two facts, dismissing them as coincidental. That same day, the FBI interviewed some of the employees who donated. While multiple employees admitted, in substance and in part, that they received payments from in anticipation of making donations to the 2021 Adams Campaign in equal amounts, and that they did this at Arkan's direction, others denied donating at all, or claimed they had donated their own money, or refused to speak with the FBI but exclaimed they were "innocent."

<sup>&</sup>lt;sup>4</sup> Certain earlier affidavits in this investigation stated that was affiliated with a larger Turkish corporation. Law enforcement has since interviewed several employees who have stated, in substance and in part, that although was started by personnel formerly employed by that larger Turkish corporation, the two entities have no formal connection.

<sup>&</sup>lt;sup>5</sup> Certain earlier affidavits in this investigation described staff of the Adams Campaigns. Counsel for Adams has since told the Government that, at least with respect to the 2021 Adams Campaign, was a volunteer and before becoming an employee of the Campaign. As used herein, "Adams's staff" is an inclusive term referring to persons who have worked for Adams (whether as Brooklyn Borough President or Mayor) and/or the Adams Campaigns.

- e. Turkish national was involved in fundraising for the Adams Campaigns and attempted, in agreement with members of Adams's staff, to donate funds from Turkish nationals to the Adams Campaigns and communicated about fundraising with members of Adams's staff. (See, e.g., Ex. A  $\P$ ¶ 19-24)<sup>6</sup>.
- f. Adams communicated with members of his staff about fundraising in the Turkish community and the potential provision of benefits to the Consul General. (See, e.g., Ex. A ¶¶ 16(c), 16(j)).
- g. Adams and members of his staff intervened in at least one matter within the purview of the New York City government to obtain favorable action for the Consul General; specifically, obtaining a Temporary Certificate of Occupancy ("TCO") for the official opening of a building associated with the Turkish Consulate in New York in time for a visit by Turkey's president in 2021. (See, e.g., Ex. A. ¶¶ 25-29).
- h. Adams and others associated with him received various benefits from persons affiliated with the Consul General, including travel to Turkey via that was provided at no cost in some instances, and reduced cost in others. (*See, e.g.*, Ex. A. ¶ 17).
- i. was one of Adams's key intermediaries to the Turkish community and worked in the Special Counsel's office of the Brooklyn Borough President when Adams was Brooklyn Borough President, was involved with the Adams Campaigns, and most recently worked in the Mayor's Office for International Affairs. During the relevant time period,

The attached affidavit discusses certain straw contributions made by employees of and mistakenly describes those contributions as having been refunded by the 2021 Adams Campaign on the day they were made. (Ex. A ¶ 22). Records from the New York City Campaign Finance Board show that those contributions were made on September 27, 2021, flagged as potential straw contributions in an October 8, 2021 CFB report, and refunded on October 14, 15, and 19, 2021.

regular contact both with Turkish consular officials and with was personally involved with the May 7, 2021 Adams fundraiser held by at which the straw donations were made; and was personally involved in the exchange of other benefits between Adams and those associated with him and the Consul General and those associated with him. (See, e.g., Ex. A ¶ 7, 13-18).

- 8. Based on my review of records provided by among other sources, Adams traveled to Turkey on several occasions, including as early as August 2015.
- 9. I know based on, among other sources, public reporting, that is Adams's long-term romantic partner. In addition, based on public reporting, I believe that in or about February and March 2023, was Senior Adviser to a Deputy Chancellor of the New York City Department of Education ("NYCDOE").
- 10. I have reviewed the contents of an iCloud account and an Apple iPhone used obtained pursuant to search warrants, including text messages exchanged between In February and March 2023, the following text messages:

	_	_	
<u>Date</u>	<u>From</u>	<u>To</u>	
2/13/2023			Hill Here is the contact information for the Consul General of Turkey
2/13/2023			Thank you so much when I see him. Please save my personal cell and I will also save your personal cell number too.  Warmly,

See, e.g., Sandra E. Garcia, The 'Swagger Mayor' Attends His First Met Gala, N.Y. Times, https://www.nytimes.com/2022/05/03/style/met-gala-party-eric-adams.html ("Mayor Eric Adams of New York was . . . accompanied by his girlfriend, he introduced as his 'other half."").

2/13/2023		Thank you, Appreciate all your help
3/10/2023		Such a pleasure to meet you today great personality and full of positive energy
3/10/2023		Student Name: Student ID: Current School: Looking to get into Thank you

<sup>10</sup> 

The first of the four trips discussed above in paragraph 10 occurred in 2016, which is outside the date range for which the First iCloud Warrant authorized the seizure of data.

14. Based upon the foregoing, I respectfully submit there is probable cause to believe that the Subject Data contains evidence, fruits, and instrumentalities of the Subject Offenses, as more fully described in Section II of Attachment A to the proposed warrant.

#### **III.Procedures for Searching the Subject Data**

15. Law enforcement personnel (who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, agency personnel assisting the government in this investigation, and outside technical experts under government control) will review the Subject Data for evidence, fruits, and instrumentalities of the Subject Offenses as specified in Section II of Attachment A to the proposed warrant.

16. In conducting this review, law enforcement personnel may use various methods to locate evidence, fruits, and instrumentalities of the Subject Offenses, including but not limited to undertaking a cursory inspection of all communications and other data within the Subject Accounts. This method is analogous to cursorily inspecting all the files in a file cabinet in an office to determine which paper evidence is subject to seizure. Although law enforcement personnel may use other methods as well, particularly including keyword searches, I know that keyword searches and similar methods are typically inadequate to detect all information subject to seizure. As an initial matter, keyword searches work only for text data, yet many types of files commonly associated with emails, including attachments such as scanned documents, pictures, and videos, do not store data as searchable text. Moreover, even as to text data, keyword searches cannot be relied upon to capture all relevant communications in an account, as it is impossible to know in advance all of the unique words or phrases that investigative subjects will use in their communications, and consequently there are often many communications in an account that are relevant to an investigation but that do not contain any keywords that an agent is likely to search for.

#### **IV.Conclusion and Ancillary Provision**

17. Based on the foregoing, I respectfully request the court to issue a warrant to seize the items and information specified in Attachment A to this affidavit and to the Search and Seizure Warrant.

18. I hereby request, pursuant to 18 U.S.C. §§ 3103a(b) and 2705(b), and Federal Rule of Criminal Procedure 41(f)(3), that the Court order that the sealing and non-disclosure provisions detailed in the First iCloud Warrant and affidavit in support thereof continue to apply to the Subject Data. The non-disclosure provision in the First iCloud Warrant provides for non-disclosure of the Warrant through February 20, 2025. This remains appropriate because the existence and general nature of this investigation are publicly known, because of media reporting, and are known to certain subjects and targets such as Adams and including because of the execution of various warrants, the exact nature of this ongoing criminal investigation and the particular types of evidence the Government is covertly seeking as part of that investigation are not publicly known. As a result, premature public disclosure of this affidavit or the requested warrant could alert potential criminal targets to as-yet non-public information about the nature and scope of the Government's investigation, which could cause them to destroy evidence, flee from prosecution, or otherwise seriously jeopardize the investigation. Indeed, as is set forth above, the targets of this investigation are known to use computers and electronic communications in furtherance of their activity and thus could easily delete, encrypt, or otherwise conceal such digital evidence from law enforcement were they to learn of the Government's investigation. See 18 U.S.C. § 2705(b)(3). Accordingly, there is reason to believe that, were Apple to notify or others of the existence of the warrant, the investigation would be seriously jeopardized.

19. For similar reasons, I respectfully request that this affidavit and all papers submitted herewith be maintained under seal until the Court orders otherwise, except that the Government

be permitted without further order of this Court to provide copies of the warrant and affidavit as need be to personnel assisting it in the investigation and prosecution of this matter, and to disclose those materials as necessary to comply with discovery and disclosure obligations in any prosecutions related to this matter.



Sworn to me through the transmission of this Affidavit by reliable electronic means, pursuant to Federal Rules of Criminal Procedure 41(d)(3) and 4.1, this 12th day of August, 2024

Honorable Sarah L. Cave United States Magistrate Judge Southern District of New York

#### Search Attachment A

#### I.Data Subject to Search and Seizure

The data that is the subject of this search and seizure warrant (the "Subject Data") are the contents of the iCloud Account associated with all all all all all all com, previously provided to the FBI by Apple pursuant to a warrant and order issued on February 20, 2024, by the Honorable Sarah L. Cave, United States Magistrate Judge for the Southern District of New York, 24 Mag. 737.

#### II.Review of the Subject Data

Law enforcement personnel (who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, agency personnel assisting the government in this investigation, and outside technical experts under government control) are authorized to review the records produced by the Provider in order to locate any evidence, fruits, and instrumentalities of violations of: (i) 18 U.S.C. §§ 371 and 666 (theft of federal funds and conspiracy to steal federal funds), (ii) 18 U.S.C. §§ 1343 and 1349 (wire fraud and attempt and conspiracy to commit wire fraud), and (iii) 18 U.S.C. § 371 and 52 U.S.C. § 30121 (campaign contributions by foreign nationals and conspiracy to commit the same), for content created, sent, received, accessed, modified, or deleted on or after July 1, 2015, including the following:

- Evidence concerning the identity or location of the owner(s) or user(s) of the Subject Account.
- Evidence of knowledge or understanding of, or intent to violate, laws and regulations governing the conduct of the 2021 New York City Mayoral campaign of Eric Adams (the "2021 Adams Campaign") on the part of any donor or associate of any donor; the Turkish Government,

including its Consulate General in New York and its employees, officers, or associates; or the 2021 Adams Campaign.

- 3. Evidence of knowledge or understanding of, or intent to violate, laws and regulations governing the conduct of the 2025 New York City Mayoral campaign of Eric Adams (the "2025 Adams Campaign," and together with the 2021 Adams Campaign, the "Adams Campaigns") on the part of any donor or associate of any donor; the Turkish Government, including its Consulate General in New York and its employees, officers, or associates; or the 2025 Adams Campaign.
- 4. Evidence relating to coordination between Turkish nationals or the Turkish Government and the Adams Campaigns concerning political contributions to the Adams Campaigns, including, but not limited to, evidence of motive and intent for Turkish nationals or the Turkish Government to provide or facilitate campaign contributions to the Adams Campaigns, and evidence of motive and intent by any person who is or was associated with or employed by the Adams Campaigns to provide benefits, whether lawfully or unlawfully, to Turkish nationals or the Turkish Government in return for campaign contributions.
- 5. Evidence relating to payments to employees, officers, and associates of to facilitate those employees, officers, and associates making campaign contributions to the Adams Campaigns.
- 6. Evidence relating to the source of funds for payment or reimbursement of employees, officers, and associates of for campaign contributions to the Adams Campaigns.

7. Evidence relating to the source of funds for payment or reimbursement of persons serving as conduits for campaign contributions to the Adams Campaigns originating from Turkish national.

8. Evidence of individuals or entities who donated to the Adams Campaigns before or after receiving transfers of funds similar to the amount of the donation.

9. Evidence regarding straw donations to the Adams Campaigns, including without limitation evidence regarding the identities of any persons or entities involved, wittingly or unwittingly, in straw donations, and evidence regarding the sources of funds for straw donations.

10. Evidence of the relationship between and among (i) persons or entities that coordinated or made straw donations or (ii) foreign nationals and/or governments, and any person who is or was associated with or employed by the Adams Campaigns, including all communications with or about, contact information for, and meetings and appointments with co-conspirators.

11. Evidence of an intent to exchange benefits between the Turkish Government or entities and persons acting at its behest, and any person who is or was associated with or employed by the Adams Campaigns, including but not limited to straw donations and any actions taken by any person who is or was associated with or employed by the Adams Campaigns on behalf of the Turkish Government, or entities and persons acting at the behest of the Turkish Government.

12. Evidence regarding any requests by the Adams Campaigns for matching funds based on straw donations, including any discussions of matching funds.

13. Passwords or other information needed to access the user's online accounts, including encrypted data stored in the Subject Account.

14. Evidence of the geographic location of users, computers, or devices involved in the commission of the Subject Offenses at times relevant to the Subject Offenses.

15. Evidence concerning efforts to conceal communications, meetings, or associations between Turkish nationals, the Turkish Government, or entities and persons acting at the behest of the Turkish Government, and persons associated with or employed by the Adams Campaigns.

16. Evidence concerning efforts to destroy or conceal evidence of the Subject Offenses or to devise or coordinate false exculpatory explanations for the conduct underlying the Subject Offenses, or to otherwise obstruct law enforcement from investigating the Subject Offenses.

# 24 MAG 2929

## **EXHIBIT A**

[23 MJ 12234]

**₫** Original

Duplicate Original

### UNITED STATES DISTRICT COURT

for the

Southern District of New York

	In the Matter of the Search of	)	927 NO NO N	
	(Briefly describe the property to be searched or identify the person by name and address)	) Case No.	24 M	IAG 2929
		) )		
	WARRANT BY TELEPHONE OR OT	HER RELIABL	E ELECTRO	ONIC MEANS
То:	Any authorized law enforcement officer			
	An application by a federal law enforcement officer or following person or property located in the Southe person or describe the property to be searched and give its located in the property to be searched and give its located in the searched in the searche	uthern Distric	overnment reque ct of	
	The search and seizure are related to violation(s) of (ins	ert statutory citations):		
	.S.C. §§ 371, 666, 1343, 1349, 52 U.S.C. § 30121 (theft of npt and conspiracy to commit wire fraud, and campaign co			
describ	I find that the affidavit(s), or any recorded testimony, ed above, and that such search will reveal (identify the personal transfer of the persona	-		seize the person or property
See A	Attachment A			
	YOU ARE COMMANDED to execute this warrant of in the daytime 6:00 a.m. to 10:00 p.m.   ✓ at any time		pecause good ca	(not to exceed 14 days) use has been established.
	Unless delayed notice is authorized below, you must g from whom, or from whose premises, the property was ty was taken.			하게 하면 하는데 아이를 내려면 하루게 많이 말씀들어 있어? 바루를 보고 되어야 한 점 없는데 하는데 하다 하다 하다.
as requ	The officer executing this warrant, or an officer presentired by law and promptly return this warrant and invent			
			(United States Ma	ngistrate Judge)
§ 2705	Pursuant to 18 U.S.C. § 3103a(b), I find that immediat (except for delay of trial), and authorize the officer exercy, will be searched or seized (check the appropriate box)			
	for days (not to exceed 30)  until, the facts just	ifying, the later specif	fic date of	02/20/2025
Date ar	nd time issued: 08/12/2024 11:39 am		Judge's s	signature
City an	nd state: New York, NY	Ho	n. Sarah L. Cav Printed nan	re, USMJ, SDNY me and title

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AO 93C (08/18) Warrant by Telephone or Other Reliable Electronic Means (Page 2)

Case No.:	Date and time warrant execut	ted:	Copy of warrant and inventory left with:			
			Copy of warrant and inventory left with.			
nventory made in the presenc	e of :					
nventory of the property takes	n and name(s) of any person(s)	seized:				
Certification						
I declare under penalt lesignated judge.	y of perjury that this inventory i	s correct and	I was returned along with the original warrant to the			
Date:			Executing officer's signature			
			Executing Officer 3 signature			
	-		Printed name and title			

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